

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18707.10. Public Generally, Small Jurisdictions; Effects on Official's Domicile.

(a) The effect of a governmental decision on the residential real property that is the domicile of a public official is not distinguishable from the effect on the public generally if all of the following conditions are met:

(1) The jurisdiction of the public official's agency has a population of 30,000 or less and covers a geographic area of ten square miles or less;

(2) The public official is required to live within the jurisdiction;

(3) The public official, if elected, has been elected in an at-large jurisdiction;

(4) The official's property is more than 300 feet from the boundaries of the property that is the subject of the governmental decision;

(5) The official's property is located on a lot not more than one-quarter acre in size or not larger than 125 percent of the median residential lot size for the jurisdiction; and

(6) There are at least 20 other properties under separate ownership within a 500 foot radius of the boundaries of the property that is the subject of the governmental decision that are similar in value.

(b) For purposes of this regulation, "domicile" means the real property upon which the official makes his or her true, fixed, and permanent residence and the place to which he or she has the intention of returning after any absence. A person may have more than one residence but only one domicile. With respect to an ownership interest in any real estate containing the official's domicile where portions of the real estate are designated for separate ownership and portions are designated for common ownership solely by the owners of the separate portions, the

official's domicile is the unit, area, or space in which the official has a separate ownership interest.

(c) Nothing contained in this regulation shall preclude the application of the public generally provisions of regulation 18707.1 or any other regulations not applicable solely to small jurisdictions.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87103, Government Code.

HISTORY

1. New section filed 12-14-2006; operative 1-13-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 50).